

counsel and found to be a valid exercise of the agency's legal authority.

Issued in Austin, Texas, on August 28, 1985.

TRD-857808 Bill Stewart, P.E.  
Executive Director  
Texas Air Control Board

Effective date: September 18, 1985  
Proposal publication date: March 1, 1985  
For further information, please call  
(512) 451-5711, ext. 354.

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### Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks in Harris County

★31 TAC §§115.261, 115.262,  
115.264

The Texas Air Control Board (TACB) adopts amendments to §§115.261, 115.262, and 115.264, concerning control of volatile organic compound (VOC) leaks from gasoline tank trucks in Harris County, without changes to the proposed text published in the March 1, 1985, issue of the *Texas Register* (10 TexReg 736).

The amendments extend the provisions of §115.261, concerning emission control requirements, and §115.262, concerning testing requirements, to Dallas, Tarrant, and El Paso Counties. The amendments to §115.264, concerning compliance schedule and counties, requires affected persons to be in compliance no later than December 31, 1987, with final control plan submittal no later than December 31, 1985.

The Administrative Procedure and Texas Register Act, Texas Civil Statutes, Article 6252-13a, §5(C)(1), requires categorization of comments as being for or against a proposal. A commenter who agreed with the proposal in its entirety is categorized as being for the proposal.

Two commenters, the Texas Mid-Continent Oil and Gas Association (TMOGA) and the Texas Oil Marketers Association (TOMA), testified against the proposed amendments. No comments were received for the proposal.

A complete summary of comments and a discussion of issues follows. Copies of the written testimony and of the hearing transcript are available for inspection for the TACB office, 6330 U.S. Highway 290 East, Austin, Texas 78723.

The TMOGA suggested that the emission reductions from implementation of mandatory vapor tightness testing of gasoline tank trucks will be less than estimated, because most companies already require similar testing to maximize the benefits from vapor recovery units at terminals and bulk plants. However, since testing is voluntary and may not be performed uniformly for all companies, assessing effectiveness and ensuring compliance is difficult. Base inventories do not reflect emission reductions from these voluntary programs so the relative change in controlled emissions will remain as originally estimated. In addition, emission reductions from required controls will no longer be available as alternate emission reductions (offsets) for new construction or modifications.

The TOMA recommended an exemption for tank trucks with a nominal capacity

of less than 4,000 gallons. A separate analysis was performed to determine the cost of vapor tightness testing on these smaller tank trucks in El Paso. This analysis indicated an annual cost of \$224 per ton of VOC reduced as opposed to \$107 per ton for larger tank trucks. Since attainment cannot be demonstrated in Dallas or Tarrant Counties, all reasonable control measures must be implemented to satisfy Environmental Protection Agency requirements. In El Paso, while implementation of vapor tightness testing is not required to demonstrate attainment, the controls significantly complement the effectiveness of Stage I vapor recovery at gasoline dispensing facilities.

These amendments are adopted under Texas Civil Statutes, Article 4477-5, §3.09(a), which provide the TACB with the authority to make rules and regulations consistent with the general intent and purpose of the Texas Clean Air Act and to amend any rule or regulation the TACB makes.

This agency hereby certifies that the rule as adopted has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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